



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/988,959	12/11/1997	SURESH JEYACHANDRAN	35.C12418	8222

5514 7590 11/15/2002

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

POON, KING Y

ART UNIT	PAPER NUMBER
----------	--------------

2624

DATE MAILED: 11/15/2002

24

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/988,959

Applicant(s)

JEYACHANDRAN ET AL.

Examiner

King Y. Poon

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 26-42, 44-49, 51-75, 77-93, 95-100, 102 and 104-106 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 26-42, 44-49, 51-75, 77-93, 95-100, 102 and 104-106 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2624

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/29/2002 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20, 23, 24, 27, 32, 35-37, 52-71, 74, 75, 78, 83, 86-88, 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. (U.S. Patent # 5,220,674) in view of Cain et al. (U.S. Patent # 5,764,892) and Mandel et al. (US 5,358,238)

Regarding claims 19, 70: Morgan teaches a response apparatus (10 of fig. 1) comprising: status acquisition means (48 of fig. 1) for acquiring a status of a machine (column 16 line 14-16) to be checked; discrimination means (event handler, column 17, lines 30-35) for discriminating a

Art Unit: 2624

type of an error (specific event, column 12, lines 40-45) indicated by the acquired status; response addressee determination means (48 of fig. 1) for determining a response addressee depending upon the discriminated type of the error; (column 34 line 13-19); response message determination means (the program of server 10, that determines the status message, column 26, lines 5-26 to be used) for determining a response message in accordance with the discriminated type of the error; response information preparation means (event handler of column 16 line 58-69) for preparing response information including the determined response message corresponding to the determined type of error and response information output means (138 of fig. 4) for outputting the prepared response information to the determined response addressee. (See column 7 line 45-50, column 34, lines 10-20)

Morgan does not teach a response medium determination means for determining a response medium based on the discriminated type of error, and preparing and outputting the prepared response information, using the determined response medium, based on the determined response medium.

Cain, in the same area of sending status information, teaches a response medium determination means (monitoring system, column 4, lines 20-29) for determining a response medium (E-mail, fax, column 4, lines 20-30) based on the discriminated type of status (column 624, lines 1-20) in a device, and preparing and outputting (column 10, lines 40-50) a prepared response information, using the determined response medium, based on the determined response medium. (Method, column 10, lines 40-50)

Art Unit: 2624

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan's response apparatus to include: a response medium determination means for determining a response medium based on the discriminated type of error, the response information preparation means preparing response information including the determined response message corresponding to the determined response medium, and the response information output means for outputting the prepared response information to the determined response addressee using the determined response medium.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan's response apparatus by the teaching of Cain because of the following reasons: (a) it would have allowed the response to be reached at the addressee through multiple communication links, and if one communication link fail, the addressee would still be able to obtain the response by using other communication links; (b) it would have allowed the response to reach the addressee using the fastest communication link at the time of transmitting the response; and (c) it would have allowed the response to reach the addressee using the cheapest communication link at the time of transmitting the response.

Morgan in view of Cain still does not teach that response message is in text form.

However, Mandel, in the same area of conveying status messages of a printer to a user, teaches to generate a display message in text form by combining the message that the printer is out of paper with an opening text phase (see the text phase "the printer is out of paper" of column

Art Unit: 2624

28 line 5) that is a characteristic of the display medium. (Displaying text messages is a characteristic of the display medium)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan in view of Cain by: representing a response message in text form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan in view of Cain by the teaching of Mandel because of the following reasons: (a) transmitting a text message would show the details of the status of the network resource to a user that he would understand; and (b) providing detail status information of network resources is desirable because it would help a user to select the best available resources to perform a job.

Regarding to claims 20, 71: Morgan teaches that the status collector would have to select a response procedure in sending status to a file server (# 24 of fig. 1) from a plurality of available procedures. The available procedures include procedures of sending status to a resource, a file server, (#26 of fig. 1), and a printing client. (#18a of fig. 1)

Regarding claims 23, 74: In sending status information, the response procedure determination would have to know what status (content) is to be sent. (See column 7 line 43-50 of Morgan)

Regarding to claims 24, 75: Morgan teaches that the response procedure determination means designates a response medium. (See appropriate messages of column 7 line 47)

Art Unit: 2624

Regarding claims 27, 78: Morgan teaches to send status information to a file server and to a service manager. (See fig. 1) The service manager and the file server speak different language because a file server is a computer and would only understand binary code while a service manager would speak English.

Regarding claims 32, 83: Morgan teaches that the determination means in the print server would have to determine (define) an appropriate response message (response content) to be displayed in a user's console. (See column 7 line 45-50) Morgan further teaches to use a status collector (column 20 line 45-55) to store all definition of the status (response content) in the system.

Regarding claims 35, 86: Morgan teaches a status changes when time elapses. (Printers 20 needs paper, column 7, lines 49, and it would change with time because when paper is added to the printer, the printer would not need paper anymore.

Regarding claim 36, 87: Morgan teaches wherein the status in the definition information also include a plurality of statuses that occur at the same time. (Printer status such as ink is low would happen at the same time with the printer being out of paper)

Regarding claims 37, 88: Morgan teaches that the response apparatus further comprising response procedure designation means (controller 40 of column 12 line 45-51) for designating a response procedure for each status (see appropriate messages), wherein, in consonance with the acquired status, the response procedure selection means selects a response procedure (appropriate message of column 7 line 45-50) designated by the response procedure designation means.

Art Unit: 2624

Regarding claims 104: Morgan discloses a print server (see fig. 1) to store a program to control the server (computer) to perform the function as discussed in claim 19.

Regarding claims 1, 52: Morgan does not teach combining the determined response message with an opening phase or closing phase that is a characteristic of the response medium.

However, Mandel, in the same area of conveying status messages of a printer to a user, teaches to generate a display message in text form by combining the message that the printer is out of paper with an opening text phase (see the message that is combined with text form to form a text phase “the printer is out of paper” of column 28 line 5) that is a characteristic of the display medium. (Displaying text messages is a characteristic of the display medium)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan in view of Cain by: generating the response information in text form by having the response information preparation means of Morgan in view of Cain to combine the determined response message with an opening phase or closing phase that is a characteristic of the response medium.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan in view of Cain by the teaching of Mandel because of the following reasons: (a) transmitting a text message would show the details of the status of the network resource to a user that he would understand; (b) providing detail status information of network resources is desirable because it would help a user to select the best available resources to perform a job.

Art Unit: 2624

Regarding claims 2, 53: Morgan teaches that the response information preparation means prepares the response information in a display form corresponding to a display medium at a response addressee. (See column 7 line 45-50, column 34 line 10-20)

Regarding claims 3, 54: Morgan teaches that the determination means in the print server would have to determine (define) an appropriate response message (response content) to be displayed in a user's console. (See column 7 line 45-50) Morgan further teaches to use a status collector (column 20 line 45-55) to store all definition of the status (response content) in the system.

Regarding claims 4, 55: Morgan teaches that the status acquired (see status blocks 78 of column 12 line 19) indicates there are a plurality of statuses that occur at the same time. (See column 12 line 15-51)

Regarding claims 5, 56: Morgan teaches that the response content preparation means includes response content information preparation data storage means (see controller of column 12 line 45-51, note it is well known in the art that a controller is controlled by a program stored in a computer readable medium) for storing fixed information for each portion of a content that is prepared, and employs the fixed information to prepare a response content. (See column 12 line 45-51)

Regarding claims 6, 57: Morgan teaches that the response content preparation means includes response content preparation rule storage means (see controller of column 12 line 45-51, note it is well known in the art that a controller is controlled by a program stored in a computer

Art Unit: 2624

readable medium) for a response content preparation rule, and employs the content preparation rule to prepare a response content. (See column 12 line 45-51)

Regarding claims 7, 58: As previous discussed (claim 1), Morgan and Mandel teach that the response is prepared in text form by using a sentence prepared in the response information preparation means. (Text preparation means, additional sentence preparation means)

Regarding claims 8, 16, 59, 67: Morgan in view of Cain do not teach that the response information is outputted in electronic voice mail form.

Mendel teaches that the response information is outputted in electronic voice mail form. (See column 28 line 1-17)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan in view of Cain by: using an electronic voice mail response for Morgan in view of Cain's status report method.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan in view of Cain by the teaching of Mendel because of the following reasons: (a) it would have allowed a user to hear the status of the system; and (b) it would be benefited for a blind user that would hear.

Regarding claims 9, 60: Morgan does not teach that the response information output means (addition means) adds an electronic mail header (see code number of column 28 line 1-20) to response information.

Art Unit: 2624

Mendel teaches that the response information output means (addition means) adds an electronic mail header (see code number of column 28 line 1-20) to response information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan in view of Cain by: adding an electronic mail header to response information.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan in view of Cain by the teaching of Mendel because of the following reasons: (a) adding an electronic header to the response would have allowed the receiving medium to receive instructions in the header of how to process the response.

Regarding claims 10, 11, 17, 61, 62, 68: Morgan does not teach that the output means outputs response information to a portable telephone and a pocket bell.

Cain teaches that the output means outputs response information to a portable telephone (N3, fig. 1) and a pocket bell. (N4)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan by: outputting response information to a portable telephone and a pocket bell.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan by the teaching of Cain because of the following reasons: (a) it would have allowed a user to hear the status of the

Art Unit: 2624

system; (b) it would be benefited for a blind user that would hear; and (c) a pocket bell is easy to carry.

Regarding claims 12-14, 63-65: Morgan teaches to transmit printer status to other components in an LAN. (See fig. 1 and column 3 line 15-25) In fig. 1, Morgan shows that other components include a database management system (#53) and a file management system. (#24)

Regarding claims 15, 66: Morgan discloses an LAN (see fig. 1 and column 33 line 38). Morgan in view of Cain and Mandel do not teach to use a home page for transmitting status.

However, it is well known in the art that an LAN can be added onto Internet and in the Internet, a home page could be used to transmit information (printer status).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan in view of Cain and Mandel by using a home page for transmitting status.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan in view of Cain and Mandel by the well known prior art because of the following reasons: (a) it would have allowed a user travels to a far away area and still be able to use and monitor the printer system by using Internet and it would be desirable for the user.

Regarding claims 18, 69: Morgan does not show the use of a facsimile machine to transmit status information.

Cain teaches the use of a facsimile machine to transmit status information. (N2, fig. 1)

Art Unit: 2624

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan by: using a facsimile machine to transmit status information.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan by the teaching of Cain because of the following reasons (a) it would have allowed Morgan to transmit status information in case of electronic mail malfunction and status report cannot be transmitted by electronic mail; and (b) a facsimile machine is a widely used machine for transmitting data. Using a facsimile machine to transmit status would have provided Morgan's system a convenient and reliable way to ensure status information would reach most users.

4. Claims 15, 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Cain et al. and Mandel as applied to claims 1, and 52, and further in view of well-known prior art.

Regarding claims 15, 66: Morgan discloses an LAN (see fig. 1 and column 33 line 38). Morgan in view of Cain and Mandel do not teach to use a home page for transmitting status.

However, it is well known in the art that an LAN can be added onto Internet and in the Internet, a home page could be used to transmit information (printer status).

Art Unit: 2624

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan in view of Cain and Mandel by using a home page for transmitting status.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan in view of Cain and Mandel by the well-known prior art because of the following reasons: (a) it would have allowed a user travels to a far away area and still be able to use and monitor the printer system by using Internet and it would be desirable for the user.

5. Claims 21, 22, 26, 28-31, 72, 73, 77, 79-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Cain et al. and Mandel as applied to claims 19, 70, and further in view of Hayashi et al. (U.S. Patent # 5485246)

Regarding claims 21, 22, 26, 29, 72, 73, 77, 80: Morgan in view of Cain and Mandel have disclosed all of the claims limitations except showing the determination a response procedure in consonance with the degree of importance of the status, and whether the response is to be sent out right the way depending on a condition that the status is important or to be sent out at a later time.

Hayashi teaches to determine the importance of a status (see column 30 line 21-25) and according to the importance of the status, determine to send a response right the way or at a later

Art Unit: 2624

time. Morgan, Mendel, and Hayashi are combinable because they are in the same area of sending status information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan in view of Cain and Mandel by: allowing the response procedure determination mean to determine the importance of a status and according to the importance of the status, determine to send a response right the way or at a later time.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan in view of Cain and Mandel by the teaching of Hayashi because of the following reasons: (a) it would have allowed Morgan to send status information at a time that the network is not busy and reduce traffic in peak time as taught by Hayashi at column 30 line 25-35 and (b) reducing traffic in peak time would have benefited the system because it would have speed up data transmission time during peak time.

Regarding claims 28, 79: Morgan in view of Cain and Mandel have disclosed all of the claim limitations except showing the determination a degree of detail in an explanation.

Hayashi teaches to determination whether to send an "error" message or a more detail message such as "service man call." (see column 30 line 1-3) Morgan and Hayashi are combinable because they are in the same area of sending status information.

Art Unit: 2624

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan in view of Cain and Mandel by: allowing the response procedure determination mean to determine a degree of detail in an explanation

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan in view of Cain and Mandel by the teaching of Hayashi because of the following reasons: (a) it would have allowed Morgan to send less information while the system would require less detail explanation of the status and thereby, increase system efficiency.

Regarding claims 30, 31, 81, 82: Morgan in view of Cain and Mandel have disclosed all of the claims limitations except showing the determination of a re-response procedure.

Hayashi teaches to determine a re-response procedure (See fig. 52, in fig. 52, the longer the human flag is set, the larger the number of re-response there is) by continuously requesting communication between the control device and a copier. Morgan and Hayashi are combinable because they are in the same area of sending status information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan in view of Cain and Mandel by: allowing the response procedure determination mean to determine a re-response procedure by continuously requesting communication between the server and a client

Art Unit: 2624

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the response information conveying method of Morgan in view of Cain and Mandel by the teaching of Hayashi because of the following reasons: (a) it would have allowed Morgan to send status information at a time when the system is not busy and would ensure the transfer of important status to a destination.

6. Claims 33, 34, 84, 85 are rejected under 35 U.S.C. 102(b) as being unpatentable over Morgan et al. (U.S. Patent # 5,220,674) in view of Cain et al. (U.S. Patent # 5,764,892) and Mandel et al. (US 5,358,238) as applied in claims 32 and 83 and further in view of admitted prior art.

Regarding claims 33, 34, 84, 85: Morgan in view of Cain do not teach wherein the status data in the definition information indicates a single status, and a combination of a plurality of status.

Applicant admits that fig. 3 of this application is prior art. In figure 3 of this application, the status data "state 0" indicates a single status and status data "state 0, state 1" indicates a plurality of status.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan and Cain to include: the status data in the definition information indicates a single status, and a combination of a plurality of status.

Art Unit: 2624

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan in view of Cain by the admitted prior art because of the following reasons: (a) it would have allowed a user to know whether the statuses are a single event or multiple events; and (b) it would help users determine whether to check the status right the way or at a later time.

7. Claims 38-42 44-49, 51, 89-93, 95-100, 102, 105 and 106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. (U.S. Patent # 5,220,674) in view of Cain et al. (U.S. Patent # 5,764,892) and Hayashi et al. (U.S. Patent # 5485246)

Regarding claims 38, 39, 89, 90: Morgan teaches a response apparatus comprising: response procedure determination means (the software of the server that determines what message to send, column 18, lines 5-25) for determining a response procedure including a response addressee (column 34, lines 15-20), response information preparation means (the software of the server that prepares the notification for the printing client, column 17, lines 30-35) for preparing response information in accordance with the determined response procedure; response information output means (138 of fig. 4) for outputting the prepared response information to the determined response addressee, (See column 7 line 45-50, column 34, lines 10-20) status acquisition means (48 of fig. 1) for acquiring a status, wherein the response procedure determination means determines a response procedure in consonance with the status. (Column 18, lines 5-25)

Art Unit: 2624

Morgan does not teach determining a response medium, and preparing and outputting the prepared response information, using the determined response medium, based on the determined response medium.

Cain, in the same area of sending status information, teaches a response medium determination means (monitoring system, column 4, lines 20-29) for determining a response medium (E-mail, fax, column 4, lines 20-30) based on the discriminated type of status (column 624, lines 1-20) in a device, and preparing and outputting (column 10, lines 40-50) a prepared response information, using the determined response medium, based on the determined response medium. (Method, column 10, lines 40-50)

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan's response apparatus to include: the response procedure determination means for determining a response medium, the response information preparation means preparing response information including the determined response message corresponding to the determined response medium, and the response information output means for outputting the prepared response information to the determined response addressee using the determined response medium.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan's response apparatus by the teaching of Cain because of the following reasons: (a) it would have allowed the response to be reached at the addressee through multiple communication links, and if one communication link fail, the addressee

Art Unit: 2624

would still be able to obtain the response by using other communication links; (b) it would have allowed the response to reach the addressee using the fastest communication link at the time of transmitting the response; and (c) it would have allowed the response to reach the addressee using the cheapest communication link at the time of transmitting the response.

Morgan in view of Cain do not disclose a response result determination mean to determine whether or not a response has failed as a result of outputting the response information, and a re-response control mean for, when the response result determination means ascertain that the response failed, permitting the response procedure determination means to determine a re-response procedure so that a response addressee is different between the re-response procedure and the determined response procedure leading to the failed response, permitting the response information preparation means to prepare re-response information in accordance with the re-response procedures, and permitting the response information output means to output the re-response information.

Hayashi teaches a response result determination means (program step of fig. 52 that determines whether a human body flag was set) to determine whether a response (communication, fig. 52) has failed (fig. 52 The human body set is an indication of failed response because the communication is being cut off, column 27, lines 35-40) and a re-response control means (the return program of fig. 52) to determine to re-response procedure (The return in fig. 52 is an indication of re-response) by continuously requesting communication between a copier and a control device. (the response medium and the re-response procedure/determined response

Art Unit: 2624

procedure are different because a medium is not a procedure) Morgan and Hayashi are combinable because they are in the same area of sending status information.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan in view of Cain's response apparatus to include: a response result determination mean to determine whether or not a response has failed as a result of outputting the response information, and a re-response control mean for, when the response result determination means ascertain that the response failed, permitting the response procedure determination means to determine a re-response procedure so that a response addressee is different between the re-response procedure and the determined response procedure leading to the failed response, permitting the response information preparation means to prepare re-response information in accordance with the re-response procedures, and permitting the response information output means to output the re-response information.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan in view of Cain's response apparatus by the teaching of Hayashi because of the following reasons: (a) it would have allowed Morgan to detect the result of response and to re-response if the response has failed and would ensure that important status would reach the destination.

Regarding claims 44, 45, 95, 96: Morgan in view of Cain and Hayashi have disclosed all of the claim limitations as recited in claims 38.

Art Unit: 2624

Morgan further teaches the addressee is a person; (Column 7 line 40-50); and determination means (program 52 determines the status whether communication is possible) for employing status for the determined response addressee. Note: When the addressee's computer is not read to receive the response, the person located in the addressee is not ready to manage the response because he would have no response to manage.

Morgan does not teach providing a response address acquisition means for the response apparatus of Morgan to acquire status information of the response addressee.

Hayashi further teaches to use a response addressee status acquisition means (see program of fig. 52, column 27 line 30-41) to acquire a status of the copier (addressee of a communication that the control device initiated) such that the determination means in the control device would determine whether information would be successfully passed between the control device and the copier.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan's response apparatus by: providing a response address acquisition means for the response apparatus of Morgan and Cain to acquire status information of the response addressee.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan in view of Cain by the teaching of Hayashi because of the following reasons: (a) it would have allowed the response system of Morgan to know when to transmit the response to the response addressee and thereby preventing status information

Art Unit: 2624

being transmitted while the response addressee is not ready to receive the status information and thereby, conserve network communication bandwidth.

Regarding claims 40, 46, 91, 97: Morgan teaches that the response procedure includes a plurality of procedures such as the procedure of sending response to a file server and a procedure of sending response to a service manager. (See fig. 1, column 8 line 19-25)

Regarding claims 41, 47, 49, 92, 98, 100: Morgan in view of Cain do not teach to use a reply (status) to send back to the response party so that the response party would determine whether a response has failed.

Hayashi teaches to use a reply (status) to send back to the response party (See received results of communication of fig. 74) so that the response party would determine whether a response has failed.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan in view of Cain by: using a reply (status) to send back to the response party (See received results of communication of fig. 74) so that the response party would determine whether a response has failed.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan in view of Cain by the teaching of Hayashi because of the following reasons: (a) it would have allowed the response party to determine whether a response has failed.

Art Unit: 2624

Regarding claims 42, 48, 93, 99: Morgan in view of Cain do not teach that response failure would be indicated when a predetermined time has elapsed.

Hayashi teaches that response failure would be indicated when a predetermined time has elapsed. (See timer>3min in fig. 74)

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan in view of Cain such that the response failure would be indicated when a predetermined time has elapsed.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan in view of Cain by the teaching of Hayashi because of the following reasons: (a) it would have allowed users to realize the response has failed.

Regarding claims 51, 102: The determination mean would have to determine what to transfer before it could transfer or otherwise, what it transfer would not have made senses to the receiving party.

Regarding claims 105 and 106: Morgan discloses a print server (see fig. 1) to store a program as discussed in claims 89, 95.

Response to Arguments

8. Applicant's arguments filed 8/29/2002 have been fully considered but they are not persuasive.

Art Unit: 2624

With respect to applicant's argument that Cain does not teach a response message, has been considered.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Morgan teaches a response apparatus (10 of fig. 1) comprising: status acquisition means (48 of fig. 1) for acquiring a status of a machine (column 16 line 14-16) to be checked; discrimination means (event handler, column 17, lines 30-35) for discriminating a type of an error (specific event, column 12, lines 40-45) indicated by the acquired status; response addressee determination means (48 of fig. 1) for determining a response addressee depending upon the discriminated type of the error; (column 34 line 13-19); response message determination means (the program of server 10, that determines the status message, column 26, lines 5-26 to be used) for determining a response message in accordance with the discriminated type of the error.

Morgan does not teach a response medium determination means for determining a response medium based on the discriminated type of error, and preparing and outputting the prepared response information, using the determined response medium, based on the determined response medium.

Cain, in the same area of sending status information, teaches a response medium determination means (monitoring system, column 4, lines 20-29) for determining a response

Art Unit: 2624

medium (E-mail, fax, column 4, lines 20-30) based on the discriminated type of status (column 624, lines 1-20) in a device, and preparing and outputting (column 10, lines 40-50) a prepared response information, using the determined response medium, based on the determined response medium. (Method, column 10, lines 40-50)

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan's response apparatus to include: a response medium determination means for determining a response medium based on the discriminated type of error, the response information preparation means preparing response information including the determined response message corresponding to the determined response medium, and the response information output means for outputting the prepared response information to the determined response addressee using the determined response medium.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan's response apparatus by the teaching of Cain because of the following reasons: (a) it would have allowed the response to be reached at the addressee through multiple communication links, and if one communication link fail, the addressee would still be able to obtain the response by using other communication links; (b) it would have allowed the response to reach the addressee using the fastest communication link at the time of transmitting the response; and (c) it would have allowed the response to reach the addressee using the cheapest communication link at the time of transmitting the response.

Art Unit: 2624

With respect to applicant's argument that Morgan, Cain, and Hayashi does not teach the re-response addressee or the re-response medium is different between the response and the re-response procedure, has been considered.

In reply: Morgan teaches a response apparatus comprising: response procedure determination means (the software of the server that determines what message to send, column 18, lines 5-25) for determining a response procedure including a response addressee (column 34, lines 15-20), response information preparation means (the software of the server that prepares the notification for the printing client, column 17, lines 30-35) for preparing response information in accordance with the determined response procedure; response information output means (138 of fig. 4) for outputting the prepared response information to the determined response addressee, (See column 7 line 45-50, column 34, lines 10-20) status acquisition means (48 of fig. 1) for acquiring a status, wherein the response procedure determination means determines a response procedure in consonance with the status. (Column 18, lines 5-25)

Morgan does not teach determining a response medium, and preparing and outputting the prepared response information, using the determined response medium, based on the determined response medium.

Cain, in the same area of sending status information, teaches a response medium determination means (monitoring system, column 4, lines 20-29) for determining a response medium (E-mail, fax, column 4, lines 20-30) based on the discriminated type of status (column 624, lines 1-20) in a device, and preparing and outputting (column 10, lines 40-50) a prepared

Art Unit: 2624

response information, using the determined response medium, based on the determined response medium. (Method, column 10, lines 40-50)

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan's response apparatus to include: the response procedure determination means for determining a response medium, the response information preparation means preparing response information including the determined response message corresponding to the determined response medium, and the response information output means for outputting the prepared response information to the determined response addressee using the determined response medium.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan's response apparatus by the teaching of Cain because of the following reasons: (a) it would have allowed the response to be reached at the addressee through multiple communication links, and if one communication link fail, the addressee would still be able to obtain the response by using other communication links; (b) it would have allowed the response to reach the addressee using the fastest communication link at the time of transmitting the response; and (c) it would have allowed the response to reach the addressee using the cheapest communication link at the time of transmitting the response.

Morgan in view of Cain do not disclose a response result determination mean to determine whether or not a response has failed as a result of outputting the response information, and a re-response control mean for, when the response result determination means ascertain that

Art Unit: 2624

the response failed, permitting the response procedure determination means to determine a re-response procedure so that a response addressee is different between the re-response procedure and the determined response procedure leading to the failed response, permitting the response information preparation means to prepare re-response information in accordance with the re-response procedures, and permitting the response information output means to output the re-response information.

Hayashi teaches a response result determination means (program step of fig. 52 that determines whether a human body flag was set) to determine whether a response (communication, fig. 52) has failed (fig. 52 The human body set is an indication of failed response because the communication is being cut off, column 27, lines 35-40) and a re-response control means (the return program of fig. 52) to determine to re-response procedure (The return in fig. 52 is an indication of re-response) by continuously requesting communication between a copier and a control device. (the response medium and the re-response procedure/determined response procedure are different because a medium is not a procedure) Morgan and Hayashi are combinable because they are in the same area of sending status information.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan in view of Cain's response apparatus to include: a response result determination mean to determine whether or not a response has failed as a result of outputting the response information, and a re-response control mean for, when the response result determination means ascertain that the response failed, permitting the response procedure

Art Unit: 2624


determination means to determine a re-response procedure so that a response addressee is different between the re-response procedure and the determined response procedure leading to the failed response, permitting the response information preparation means to prepare re-response information in accordance with the re-response procedures, and permitting the response information output means to output the re-response information.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Morgan in view of Cain's response apparatus by the teaching of Hayashi because of the following reasons: (a) it would have allowed Morgan to detect the result of response and to re-response if the response has failed and would ensure that important status would reach the destination.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is (703) 305-0892 or to Supervisor Mr. David Moore whose phone number is (703) 308-7452.

November 14, 2002


GABRIEL GARCIA
PRIMARY EXAMINER